



Docket No.: 111325-140100

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application of:)	
Guillermo LAO , <i>et al.</i>)	Confirmation No. 6754
Serial No. 09/788,500)	Examiner: William J. Allen
Filed: February 21, 2001)	Group Art Unit: 3625
For: METHOD AND SYSTEM FOR)	Date: July 20, 2007
AUTOMATICALLY PUBLISHING CONTENT)	

United States Patent and Trademark Office
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Alexandria, VA 22314

APPEAL BRIEF

As set forth in the Notice of Appeal filed February 20, 2007, Appellants hereby appeal the Examiner's final rejection of claims 147-149, 153, 155-157, 195, 199-201, 205, 207-209, 247, and 249 of the above-identified application. Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the final rejection of these claims.

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I. REAL PARTY IN INTEREST

ContentGuard Holdings, Inc., is the real party in interest.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

III. STATUS OF CLAIMS

Claims 147-149, 153, 155-157, 195, 199-201, 205, 207-209, 247, and 249 have been finally rejected and are the subject matter of this appeal.

IV. STATUS OF AMENDMENTS

A supplemental amendment has been submitted on June 13, 2007, after the final rejection mailed December 20, 2006. The supplemental amendment, filed prior to this Brief, amends claims 147, 199, and 249.

The Examiner notes, in an Advisory Action mailed July 12, 2007, that the amendments “has not been entered as it changes the scope of the claim and would require further consideration and/or search”. More specifically, the Examiner states that “[a]s previously amended, the claim recited in the alternative to include one of a description, metadata, rights specification identifier, etc.” and continues “[a]s currently claimed, the provided information must now includes the rights specification identifier as well as at least one of a description, metadata, etc.” Appellants note that no language was added by the proposed amendment and that an element, already searched, was merely moved from one place in the claim to another. Therefore, Appellants request the amendment be entered, as the amendment does not change the claim scope and require further searching.

V. SUMMARY OF CLAIMED SUBJECT MATTER

This Appeal is taken from claims 147-149, 153, 155-157, 195, 199-201, 205, 207-209, 247, and 249, of which claims 147, 199, and 249 are independent.

With respect to claim 147, the present invention recited therein relates to a method of publishing content, having the steps of receiving, by a publishing system, a selection of content from a user of the publishing system, the selection identifying an item of content;

receiving, by the publishing system, a request to publish the selected content from the user of the publishing system; providing, by the publishing system in response to the request from the user to publish the content, information to a plurality of distributor systems, the information comprising a rights specification identifier and at least one of a description of the content, metadata of the content, content identifiers, publisher information, and content repository indication; upon receiving the information, generating, by one of the plurality of distributor systems, a response using the provided information and one or more pre-defined rules stored in a database, wherein one of the plurality of distributor systems uses the pre-defined rules to determine whether the one of the plurality of distributor systems is interested in the content specified by the provided information; providing, by one of the plurality of distributor systems, the response to the publishing system; determining, by the publishing system, whether the response indicates that one of the plurality of distributor systems is interested in the content specified by the provided information; and upon the publishing system determining that one of the plurality of distributor systems is interested in the content specified by the provided information, supplying, by the publishing system, metadata and a rights specification to one of the plurality of distributor systems, the metadata including identification and descriptive data of the content, and the rights specification including at least one of usage rights and rights conditions. Support for the claimed features can be found at least on e.g., paragraph [0036], page 10, line 17 to page 11, line 5; and paragraphs [0040] – [0042], page 13, lines 1-19 and page 14, line 23 to page 15, line 6 of the specification.

Claims 148-149, 153, 155-157, and 195 depend from independent claim 147. Claims 2-6 describe additional features of the system of independent claim 147. Claims 148-149, 153, 155-157, and 195 are supported at least by paragraph [0023], page 6, line 22 to page 7, line 2; paragraph [0025], page 7, lines 24-29; paragraph [0040], page 12, lines 21-24; paragraphs [0041] to [0042], page 14, line 23 to page 15, line 6; and paragraph [0044], page 16, lines 7-10 of the specification.

With respect to claim 199, the present invention recited therein relates to a system for publishing content, the system having a publishing system for receiving a selection of content from a user of said publishing system, said selection identifying an item of content; said publishing system receiving a request to publish the selected content from the user of said publishing system; a plurality of distributor systems; said publishing system providing in

response to the request from the user to publish the content, information to the plurality of distributor systems, said information comprising a rights specification identifier and at least one of a description of the content, metadata of the content, content identifiers, publisher information, and content repository indication, said rights specification identifier indicating the rights that are available for distribution and sale; upon receiving the information, one of the plurality of distributor systems generating a response using said provided information and one or more pre-defined rules stored in a database including evaluating said rights specification identifier against said one or more pre-defined rules, wherein said one of the plurality of distributor systems uses said pre-defined rules to determine whether said one of the plurality of distributor systems is interested in the content specified by said provided information; said one of the plurality of distributor systems providing the response to said publishing system; said publishing system determining whether the response indicates that one of the plurality of distributor systems is interested in the content specified by said provided information; and upon said publishing system determining that one of the plurality of distributor systems is interested in the content specified by said provided information, said publishing system supplying metadata and a rights specification to said one of the plurality of distributor systems, said metadata including identification and descriptive data of said content and said rights specification including at least one of distribution rights, usage rights and rights conditions. Support for the claimed features can be found at least on e.g paragraph [0036], page 10, line 17 to page 11, line 5; and paragraphs [0040] – [0042], page 13, lines 1-19 and page 14, line 23 to page 15, line 6 of the specification.

Claims 200-201, 205, 207-209, and 247 depend from independent claim 199. Claims 200-201, 205, 207-209, and 247 describe additional features of the system of independent claim 199. Claims 8-10 are supported at least by paragraph [0023], page 6, line 22 to page 7, line 2; paragraph [0025], page 7, lines 24-29; paragraph [0040], page 12, lines 21-24; paragraphs [0041] to [0042], page 14, line 23 to page 15, line 6; and paragraph [0044], page 16, lines 7-10 of the specification.

With respect to claim 249, the present invention recited therein relates to computer readable medium including one or more computer readable instructions embedded therein for publishing content and configured to cause one or more computer processors to perform the steps of receiving, by a publishing system, a selection of content from a user of said

publishing system, said selection identifying an item of content; receiving, by said publishing system, a request to publish the selected content from the user of said publishing system; providing, by said publishing system in response to the request from the user to publish the content, information to a plurality of distributor systems, said information comprising a rights specification identifier and at least one of a description of the content, metadata of the content, content identifiers, publisher information, and content repository indication, said rights specification identifier indicating the rights that are available for distribution and sale; upon receiving the information, generating, by one of the plurality of distributor systems, a response using said provided information and one or more pre-defined rules stored in a database including evaluating said rights specification identifier against said one or more pre-defined rules, wherein said one of the plurality of distributor systems uses said pre-defined rules to determine whether said one of the plurality of distributor systems is interested in the content specified by said provided information; providing, by said one of the plurality of distributor systems, the response to said publishing system; determining, by said publishing system, whether the response indicates that the one of the plurality of distributor systems is interested in the content specified by said provided information; and upon said publishing system determining that the one of the plurality of distributor systems is interested in the content specified by said provided information, supplying by said publishing system, metadata and a rights specification to said one of the plurality of distributor systems, said metadata including identification and descriptive data of said content and said rights specification including at least one of distribution rights, usage rights and rights conditions. Support for the claimed features can be found at least on e.g., paragraph [0036], page 10, line 17 to page 11, line 5; paragraphs [0040] – [0042], page 13, lines 1-19 and page 14, line 23 to page 15, line 6; and paragraph [0049], page 17, lines 15-22 of the specification.

VI. GROUNDS OF REJECTION

Appellants respectfully request the Board to reverse the following grounds of rejection:

Rejection of claims 147-149, 153, 155-157, 195, 199-201, 205, 207-209, 247, and 249 under 35 U.S.C. § 112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Rejection of claims 147-149, 153, 155-157, 195, 199-201, 205, 207-209, 247, and 249 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the public use of the invention by iUniverse as demonstrated by the periodicals listed as PTO 892 references U, V, W, X, and Y (hereinafter referred to as the iUniverse references) in view of Ginter et al. (U.S. Patent Number 5,892,900).

VII. ARGUMENTS

The rejection of claims 147-149, 153, 155-157, 195, 199-201, 205, 207-209, 247, and 249 under 35 U.S.C. § 112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, should be REVERSED.

The supplemental amendment filed June 13, 2007, eliminates all indicated indefiniteness, and thus this rejection is believed to be overcome. Appellants request the rejection be withdrawn.

The Examiner notes, in an Advisory Action mailed July 12, 2007, that the amendment “has not been entered as it changes the scope of the claim and would require further consideration and/or search”. More specifically, the Examiner states that “[a]s previously amended, the claim recited in the alternative to include one of a description, metadata, rights specification identifier, etc.” and continues “[a]s currently claimed, the provided information must now includes the rights specification identifier as well as at least one of a description, metadata, etc.” Appellants note that no language was added by the proposed amendment and that an element, already searched, was merely moved from one place in the claim to another. Therefore, Appellants request the amendment be entered, as the amendment does not change the claim scope and require further searching.

The rejection of claims 147-149, 153, 155-157, 195, 199-201, 205, 207-209, 247, and 249 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the public use of the invention by iUniverse as demonstrated by the periodicals listed as PTO 892 references U, V, W, X, and Y (the iUniverse references) in view of Ginter et al. (U.S. Patent Number 5,892,900), should be REVERSED.

35 U.S.C. § 103 imposes the requirement that an invention, to be patentable, must not have been obvious over the prior art “at the time the invention was made to a person having

ordinary skill in the art to which said subject matter pertains.” A proper prima facie showing of obviousness requires the U.S. Patent and Trademark Office (“PTO”) to satisfy three requirements. First, the prior art itself must suggest the desirability and, therefore, obviousness of a modification of a reference or the combination of references to achieve a claimed invention. See *Hodosh v. Block Drug Co.*, 786 F.2d 1136, 1143 n.5, 229 USPQ 182, 187 n.5 (Fed. Cir. 1986); *In re Gordon*, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984); see also *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Second, the PTO must show that, at the time the invention was made, the proposed modification had a reasonable expectation of success. See *Amgen v. Chugai Pharm. Co.*, 927 F.2d 1200, 1209, 18 USPQ2d 1016, 1023 (Fed. Cir. 1991). Finally, the combination of references must teach or suggest each and every limitation of the claimed invention. See *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Further, the question of obviousness should be analyzed in light of the holding of *Graham v. John Deere Co.*, 383 U.S. 1, 17 (1966) which sets forth the following factors for determining obviousness: (1) the scope and content of the prior art; (2) differences between the prior art and the claims at issue; (3) the level of ordinary skill in the pertinent art; and (4) such objective evidence of non-obviousness as commercial success, long felt but unresolved needs, and failure of others. All evidence must be weighed before reaching a conclusion on obviousness under § 103. *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561, 1564, 1 USPQ2d 1593, 1594 (Fed. Cir. 1987); *Hodosh v. Block Drug*, 786 F.2d at 1143, 229 USPQ at 187-88.

Additionally, the Supreme Court has recently stated that “a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art.” *KSR Int’l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007). “[I]nventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known.” *Id.*

With regard to the §103(a) rejection of claims 147-149, 153, 155-157, 195, 199-201, 205, 207-209, 247, and 249 over the iUniverse references in view of Ginter, Appellants respectfully disagree with the Examiner’s assertion of obviousness. This rejection is respectfully traversed and reversal of the Examiner’s position with respect thereto is solicited

in that the iUniverse references and the Ginter reference cited by the Examiner neither disclose nor suggest that which is presently set forth by Appellants' claimed invention.

The iUniverse references teach a combined publishing and distribution system, that automatically publishes and distributes content. The publishing and distribution system of 892u, 892v, 892w, 892x, and 892y receives content from an author and automatically sends the content to a distribution system, then publishes the content in a desired format.

Ginter teaches a system for providing a solution to secure virtual transactions. In the VDE of Ginter, after installing various APIs to implement the VDE onto their system, a first party may negotiate an electronic agreement with a second party, who also has installed various APIs to implement the VDE. Thus, Ginter, taken as a whole, describes a solution to electronic transactions using specific APIs installed on each computer involved in a transaction.

In contrast, the present invention receives content from an author and sends information about the content to several distribution systems. The distribution systems have a set of pre-defined rules used to determine interest in the content, allowing the publishing system to send the content only to those distribution systems that are interested in the content.

Claim 147 of the present invention is directed to a method of publishing content, having the steps of receiving, by a publishing system, a selection of content from a user of the publishing system, the selection identifying an item of content; receiving, by the publishing system, a request to publish the selected content from the user of the publishing system; providing, by the publishing system in response to the request from the user to publish the content, information to a plurality of distributor systems, the information comprising a rights specification identifier and at least one of a description of the content, metadata of the content, content identifiers, publisher information, and content repository indication; upon receiving the information, generating, by one of the plurality of distributor systems, a response using the provided information and one or more pre-defined rules stored in a database, wherein one of the plurality of distributor systems uses the pre-defined rules to determine whether the one of the plurality of distributor systems is interested in the content specified by the provided information; providing, by one of the plurality of distributor systems, the response to the publishing system; determining, by the publishing system, whether the response indicates that one of the plurality of distributor systems is interested in

the content specified by the provided information; and upon the publishing system determining that one of the plurality of distributor systems is interested in the content specified by the provided information, supplying, by the publishing system, metadata and a rights specification to one of the plurality of distributor systems, the metadata including identification and descriptive data of the content, and the rights specification including at least one of usage rights and rights conditions. Claims 199 and 249 correspond to claim 147.

The Examiner asserts that the iUniverse references 892u, 892v, 892w, 892x, and 892y teach the steps, in method claim 147, of receiving, receiving, and providing. The Examiner then asserts that Ginter teaches the steps, in method claim 147, of generating, providing, determining, and supplying. Appellants submit Ginter does not teach the steps, in method claim 147 of generating or supplying, and that the combination of the iUniverse references 892u, 892v, 892w, 892x, and 892y with Ginter is improper.

As described above, claims 147, 199, and 249 are directed to a publishing and distribution system with a set of pre-defined rules used to determine interest in the content by the distribution system, so that distribution systems receive and sell only the content that they are interested in. A description of the content including metadata and a rights specification is sent to several distribution systems, who then, using an automatic filtering process, decide which content they would like to sell, and respond back to the publishing system.

The iUniverse references 892u, 892v, 892w, 892x, and 892y make no mention of allowing distributors to automatically select the content that they receive, or the information about the content they receive. The present invention is specifically directed to a system that separates publishing and distribution, allowing distributors to choose among content in an automated manner.

The Ginter reference does not describe a publisher and distributor, with a single set of pre-defined rules used to determine interest in the content by the distributor, that allows the publisher to provide metadata and a rights specification for content, and that allows distributors to select the content they receive based upon the content, its metadata, and its rights specification. In the VDE of Ginter, each distributor creates a set of rules of control that must be consistent with the rules of control generated by the content creator, thus requiring at least two sets of rules. Additionally, the VDE of Ginter does not teach use metadata and a rights specification of content to determine which content distributors wish to

select.

Additionally, because the iUniverse references 892u, 892v, 892w, 892x, and 892y teach a combined publishing and distributing distribution system, that automatically publishes and distributes content, while Ginter teaches a solution to electronic transactions where parties negotiate electronic agreements, the references cannot be combined to produce the claimed invention.

More specifically, in the iUniverse references 892u, 892v, 892w, 892x, and 892, content is received by the combined publishing and distribution system and then is automatically published and distributed. In the combined publishing and distribution system of the iUniverse references 892u, 892v, 892w, 892x, and 892, content may be in any form and the published and distributed content is automatically sent to distributors, who either purchase or decline the content. The VDE of Ginter, in which all parties participate in the secure transactional network created by the VDE, allows parties to negotiate electronic agreements regarding content based upon each party's interest.

In the system of iUniverse, the publisher sends out all content, with identical rights, to the distributor automatically. In the flexible VDE of Ginter, each party negotiates an agreement with each other party individually. Multiple content creators generate rules of control that are evaluated by multiple distributors, who then generate compatible rules of control. The flexible negotiation model of Ginter is inconsistent with iUniverse's inflexible, one-size-fits-all model. Thus, the automatic distribution model of the iUniverse references 892u, 892v, 892w, 892x, and 892 is incompatible with the VDE of Ginter.

Therefore, Appellants respectfully request that the rejection of independent claim 147, 199, and 249 under 35 U.S.C. § 103(a) be withdrawn. Similarly, with regard to claims 148, 149, 153, 155-157, and 195, incorporating additional features, and dependent upon claim 147, and claims 199-201, 205, 207-209, and 247, incorporating additional features, and dependent upon claim 199, Appellants respectfully request that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn at least for the reasons set forth above with regard to independent claims 147, 199, and 249.

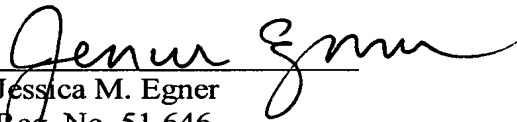
Additionally, the Examiner has asserted that the steps, in method claim 147, of generating and supplying are not positively recited but are "conditionally" invocable. Appellants note that the steps include the language "upon receiving" and "upon ...

determining”, in order to specify how and when the steps occur. These steps, however, are elements in the method. They are not conditionally invocable but rather are requirements of the method, requiring one step to come before another step. For these reasons, the steps recited in the claims are limiting and must be considered when determining patentability.

Conclusion

Since the Examiner’s final rejection under 35 U.S.C. § 103(a) is improper, Appellants request the rejection be withdrawn and the application be allowed.

Respectfully submitted,
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VIII. CLAIM APPENDIX

Claims Involved in the Appeal

1-146. (Canceled)

147. A method for publishing content, the method comprising:

receiving, by a publishing system, a selection of content from a user of said publishing system, said selection identifying an item of content;

receiving, by said publishing system, a request to publish the selected content from the user of said publishing system;

providing, by said publishing system in response to the request from the user to publish the content, information to a plurality of distributor systems, said information comprising a rights specification identifier and at least one of a description of the content, metadata of the content, content identifiers, publisher information, and content repository indication, said rights specification identifier indicating the rights that are available for distribution and sale;

upon receiving the information, generating, by one of the plurality of distributor systems, a response using said provided information and one or more pre-defined rules stored in a database including evaluating said rights specification identifier against said one or more pre-defined rules, wherein said one of the plurality of distributor systems uses said pre-defined rules to determine whether said one of the plurality of distributor systems is interested in the content specified by said provided information;

providing, by said one of the plurality of distributor systems, the response to said publishing system;

determining, by said publishing system, whether the response indicates that said one of the plurality of distributor systems is interested in the content specified by said provided information; and

upon said publishing system determining that said one of the plurality of distributor systems is interested in the content specified by said provided information, supplying, by said publishing system, metadata and a rights specification to said one of the plurality of distributor systems, said metadata including identification and descriptive data of

said content, and said rights specification including at least one of distribution rights, usage rights and rights conditions.

148. The method of claim 147, wherein the one of the plurality of distributor systems further uses pre-defined rules to perform at least one of narrowing the rights defined by the rights specification and changing conditions defined by the rights specification, resulting in customized rights to offer to a rights consumer.

149. The method of claim 147, wherein the pre-defined rules comprise at least one of content type preferences, rights and conditions, preferences, content topics and publishers.

150-152. (Withdrawn)

153. The method of claim 147, wherein the rights specification includes at least one of the right to print, view, play, extract, and export.

154. (Withdrawn)

155. The method of claim 147, further comprising creating, by publishing system, the rights specification.

156. The method of claim 155, wherein the rights specification is created, by the publishing system, based upon at least one of a user profile, a default rights specification, inference rules, and an analysis of the selected content.

157. The method of claim 156, wherein the rights specification includes at least one usage right and a condition upon which the usage right is contingent.

158-194. (Withdrawn)

195. The method of claim 147, wherein the rights specification includes

information regarding the specific rights granted to the content if a given set of conditions is satisfied.

196-198. (Withdrawn)

199. A system for publishing content, the system comprising:

- a publishing system for receiving a selection of content from a user of said publishing system, said selection identifying an item of content;
- said publishing system receiving a request to publish the selected content from the user of said publishing system;
- a plurality of distributor systems;
- said publishing system providing in response to the request from the user to publish the content, information to the plurality of distributor systems, said information comprising a rights specification identifier and at least one of a description of the content, metadata of the content, content identifiers, publisher information, and content repository indication, said rights specification identifier indicating the rights that are available for distribution and sale;
- upon receiving the information, one of the plurality of distributor systems generating a response using said provided information and one or more pre-defined rules stored in a database including evaluating said rights specification identifier against said one or more pre-defined rules, wherein said one of the plurality of distributor systems uses said pre-defined rules to determine whether said one of the plurality of distributor systems is interested in the content specified by said provided information;
- said one of the plurality of distributor systems providing the response to said publishing system;
- said publishing system determining whether the response indicates that one of the plurality of distributor systems is interested in the content specified by said provided information; and
- upon said publishing system determining that one of the plurality of distributor systems is interested in the content specified by said provided information, said publishing system supplying metadata and a rights specification to said one of the plurality of distributor

systems, said metadata including identification and descriptive data of said content and said rights specification including at least one of distribution rights, usage rights and rights conditions.

200. The system of claim 199, wherein one of the plurality of distributor systems further uses pre-defined rules to perform at least one of narrowing the rights defined by the rights specification and changing conditions defined by the rights specification, resulting in customized rights to offer to a rights consumer.

201. The system of claim 199, wherein the pre-defined rules comprise at least one of content type preferences, rights and conditions, preferences, content topics and publishers.

202-204. (Withdrawn)

205. The system of claim 199, wherein the rights specification includes at least one of the right to print, view, play, extract, and export.

206. (Withdrawn)

207. The system of claim 199, further comprising creating, by publishing system, the rights specification.

208. The system of claim 207, wherein the rights specification is created, by the publishing system, based upon at least one of a user profile, a default rights specification, inference rules, and an analysis of the selected content.

209. The system of claim 208, wherein the rights specification includes at least one usage right and a condition upon which the usage right is contingent.

210-246. (Withdrawn)

247. The system of claim 199, wherein the rights specification includes information regarding the specific rights granted to the content if a given set of conditions is satisfied.

248. (Withdrawn)

249. A computer readable medium including one or more computer readable instructions embedded therein for publishing content and configured to cause one or more computer processors to perform the steps of:

receiving, by a publishing system, a selection of content from a user of said publishing system, said selection identifying an item of content;

receiving, by said publishing system, a request to publish the selected content from the user of said publishing system;

providing, by said publishing system in response to the request from the user to publish the content, information to a plurality of distributor systems, said information comprising a rights specification identifier and at least one of a description of the content, metadata of the content, content identifiers, publisher information, and content repository indication, said rights specification identifier indicating the rights that are available for distribution and sale;

upon receiving the information, generating, by one of the plurality of distributor systems, a response using said provided information and one or more pre-defined rules stored in a database including evaluating said rights specification identifier against said one or more pre-defined rules, wherein said one of the plurality of distributor systems uses said pre-defined rules to determine whether said one of the plurality of distributor systems is interested in the content specified by said provided information;

providing, by said one of the plurality of distributor systems, the response to said publishing system;

determining, by said publishing system, whether the response indicates that the one of the plurality of distributor systems is interested in the content specified by said provided information; and

upon said publishing system determining that the one of the plurality of distributor systems is interested in the content specified by said provided information,

supplying by said publishing system, metadata and a rights specification to said one of the plurality of distributor systems, said metadata including identification and descriptive data of said content and said rights specification including at least one of distribution rights, usage rights and rights conditions.

XI. EVIDENCE APPENDIX

There is no additional evidence relied upon in this brief.

X. RELATED PROCEEDINGS APPENDIX

There are no related appeals or interferences.